IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 53453-M of 2006

DATE OF DECISION : 05.09.2006

Dr. Subhashini Verma

.... PETITIONER

Versus

State of Haryana and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. D.S. Bali. Senior Advocate, with
Mr. D.V. Gupta, Advocate,
for the petitioner.

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The petitioner has filed this petition under Section 482 Cr.P.C. for issuing direction to respondents No.1 to 3 to register a criminal case against her husband Mandip Singh (respondent No.4 herein), on the basis of complaint dated 10.3.2006, Annexure P-6.

2. I have heard counsel for the petitioner and gone through the contents of the petition as well as the complaint Annexure P-6, on the basis of which registration of case is being sought.

3. In nutshell, it has been alleged in the petition that respondent No.4 has illegally trespassed in Houses No. 1071 and 1072, situated in Sector 14, Faridabad. It is the case of the petitioner that both these houses belong to her, as these were purchased from her income and were in her exclusive possession.

4. Undisputedly, the petitioner has filed suit for declaration and permanent injunction against her husband. As per the averments made in the said suit, her husband had purchased houses No. 1071 and 1072 in his name, though from the income of the petitioner. Therefore, a declaration was sought that the petitioner be declared owner in possession of those houses. It has been disclosed during the course of arguments that since in

that suit both the parties were claiming possession of the disputed property, therefore, the civil court has ordered status quo regarding possession to be maintained by the parties.

5. Keeping in view the aforesaid facts, I do not find the instant case as exceptional case to exercise the inherent power of this Court under Section 482 Cr.P.C., for issuing the direction sought for in the petition, as in my opinion, the petitioner has criminal and civil alternative remedies. Thus, in view of the law laid down by this Court in ***Mithlesh Kumari*** v. ***State of Punjab,*** 2002 (4) RCR (Criminal) 541 and by the Hon'ble Supreme Court in ***Gangadhar Janardan Mhatre*** v. ***State of Maharashtra and others,*** (2004) 7 SCC 768 and ***Minu Kumari and another*** v. ***State of Bihar and others,*** (2006) 4 Supreme Court Cases 359, I do not find any ground to entertain this petition.

Dismissed.

September 05, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**